already done — HR

[illegible]

The Attorney General
The Department of Justice
Washington, D.C.

Dear Mr. Mitchell,

Your letter of December 14 rejects two of my appeals for information under the Freedom of Information Act. One is for all the information on one Carlos Quiroga, then of New Orleans, the other is for the identification of a fingerprint. In this case, you go to some trouble to make explanation, for which I thank you. It may be helpful to both of us. This, however, reminds me of my first (unanswered) letter to you in which I suggested that you are dependent upon the same sources for your information as your predecessor.

With regard to Mr. Quiroga, you now say "that the files of this Department contain no information that Quiroga was interviewed by the FBI concerning the assassination of President Kennedy or concerning Oswald". Unless my recollection is incorrect, this is not consistent with earlier statements. It is certainly inconsistent with what Quiroga says and what to [illegible] your Department has not denied. First let me amend the request to include the period of the earliest investigation, for Quiroga says he was then interviewed by your Department and I think it will be clear such interviews could not have been for any law-enforcement purposes. Next let me make this added explanation to you so that you can assess either the forthrightness and completeness of what you have been told or the character of the investigation:

The FBI allegedly interviewed everyone who had known Oswald, everyone to whom he was exposed or to whom he had applied for employment. (I have copies of many such reports.) He applied to Quiroga for a job (public relations). Quiroga's address is entered in Oswald's address book. [illegible] made a detailed study of this evidence and reported on it. Quiroga was a close associate of one Sergio Arcacha Smith (whose extradition to New Orleans to testify before the grand jury was subsequently refused by the then governor of Texas), who was the New Orleans representative of a group organized, directed and financed by the CIA. Its headquarters included 544 Camp St., and although Oswald also used, although it was sought to withhold this information from the Warren Commission. After Arcacha was expelled from this group, he and Quiroga organized what they called the Friends of Free Cuba and engaged in a fund-raising campaign. In this they also used the 544 Camp address. That address was also the (again, hidden from the Warren Commission) address of a former and very prominent FBI agent, who actually arranged for Arcacha to have the space in that building. If these are not all the relevant facts, are they not enough to indicate the improbability of no investigation, especially with both Quiroga and Oswald using the same address, that of a former FBI man?

With this information (and I will gladly supply more should you so desire, for there is more that is relevant), I respectfully request that you ask those who have supplied you with your information to be certain they have not misinformed you. If this amended request is again rejected, I respectfully remind you that the law, to my understanding, imposes an affirmative burden to prove the applicability of the exemption (citations of authority ranging from your Department's instructions to Congressional hearings). I therefore ask that, [illegible] being informed, a request that I also make with regard to the second rejected request.

Of this you say, "Indeed, one would be hard pressed to imagine a clearer case of a request for data covered by that exemption." Because, hard as you are, your information came once from others, I make this brief explanation on which I will expand, should you so desire:

The incident in question was before the examination (then to be one violated), and the leaflet containing the fingerprint was supplied to the Department after the examination as part of an investigation that the director of the FBI himself, and under oath, said was not for law-enforcement purposes. Indeed, he went far out of his way to say there was no legal authorization for the investigation in this case.

Overall, reports in such leaflets activities and more often than the Warren Commission, also reported, he is shown to have had at least two associates in this, only one was ever identified (and he has told us that of that association there was another, not known to him, also involved). In several occasions, your Department has another potential sensitive file of that particular operation and find it still possible that we not exist in either the files of the Warren Commission or, later, even in the records from which they were established. I can supply you with copies of the reports that are supplied on this point. I can also supply you with the legend that is still stamped around that file in the National Archives, specifying that it above the use helpful would accrue the records to more only one. (So you may better understand the initiation, I also tell you that the Warren Commission's copy, supplied by your Department, did not have such a stamper. This copy is now in the National Archives because of my efforts, and it was unobtrusive.) In addition, the two FBI reports quote the only people in the world in a position to have the original, but the printer that was made and delivered them leaflets to Lansdale. Those reports do not identify the man to whom delivery was made, but the security report gives a description of a person previously unknown to the public. Now, I have also interviewed most people, the only ones involved, aside from the man to whom delivery was made, and from them, independently, I have obtained an identification of the man to whom delivery was made. I have these interviews on tape. Here I quote you of my repeated offers of what my own investigation have included. While the law does not require that a requester explain his interest in information, I do so, in the interest of all. I MAKE the indictment of my interest in disclosure. And I would say, that the Department's interest and not overall is one of these applications that it has made suppressed or to withholding information.

You say you cannot "imagine a clearer case" than to "yourself" by the exemption which reads, "Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party." Especially in the context of the authorization burden imposed upon the Department by the law, to justify its withholding, as your own Department's memorandum says on page 10, citing 5. Supp. 5 ("The burden of proof is placed upon the agency which is the only party able to produce the evidence."). I doubt that that has ever been enforced and I point out that what I have said is not an investigative report but a simple FBI report. Moreover, what I have had over many years may not be sufficient data, under the law, but it did enable me to do it on my own.

I respectfully request that you reconsider your response before a formal appeal. Although it is not required of me, if a time may further authorization you ask, I will provide it. My purposes are to obtain the information to which I believe I am entitled and to obtain compliance with the law. They are not to embarrass the Department or to needlessly clutter the courts. I do hope that you will reconsider and that the exercise of those purposes is not required.

Sincerely,

Harold Weisberg